

§ 166.11 Competitive and negotiated sale of grazing privileges.

(a) Grazing privileges not exempt from permit under § 166.8 and not reserved for allocation under § 166.10 shall be advertised for competitive public sale by the Superintendent except as otherwise provided in paragraph (b) of this section. Advertisements shall be:

- (1) Approved by the Area Director prior to publication;
- (2) Shall be for a 30-day period unless otherwise authorized by the Area Director;
- (3) Shall call for sealed bids;
- (4) May provide for oral auction subsequent to sealed bid opening at the discretion of the governing body; and
- (5) Shall limit the privilege of meeting high sealed bids of non-Indians to adult tribal members, Indian corporations, and Indian associations, according to preferences determined by the governing body and concurred in writing by the Area Director.

(b) The Area Director may authorize the issuance of grazing permits by negotiation when in his discretion no useful purpose would be served by advertisement. Negotiated permits shall be limited to the grazing capacity established pursuant to § 166.6.

[34 FR 9383, June 14, 1969; 34 FR 11263, July 4, 1969. Redesignated at 47 FR 13327, Mar. 30, 1982]

§ 166.12 Kind of livestock.

(a) Tribal governing bodies may determine, subject to the grazing capacity prescribed by the Superintendent and Area Director the kind of livestock, e.g., cattle, sheep, etc., that may be grazed on range units composed entirely of tribal land or in combination with Government land.

(b) The Superintendent shall designate the same kind of livestock to be grazed on range units composed entirely of individually owned land, or in combination with tribal and or Government land, as that determined by governing bodies pursuant to paragraph (a) of this section, unless the principles of proper land management or efficient permit administration require otherwise.

§ 166.13 Establishment of grazing fees.

(a) Tribal governing bodies may determine the minimum rental rate to be charged for the use of tribal lands (1) included in advertisements for public sale and (2) by allocation, except that allocated Indian permittees shall be required to pay not less than the reservation minimum rental rate established by the Area Director pursuant to paragraph (b) of this section for all non-Indian owned livestock which they may be authorized to graze on tribal lands. Prior to these determinations, the Superintendent shall provide the tribe with all available information including appraisal data concerning the value of grazing on tribal lands.

(b) The Area Director shall establish a reservation minimum acceptable grazing rental rate. The reservation minimum rate shall apply to all grazing privileges permitted on individually owned lands, to non-Indian owned livestock which allocated permittees may be authorized to graze on tribal lands, and to all tribal lands when the governing body fails to establish a rate pursuant to paragraph (a) of this section. Except as otherwise provided in paragraph (c) of this section, the rate established shall provide a fair annual return to the land owners.

(c) Indian landowners, in giving the Superintendent written authority to grant grazing privileges on their individually owned land, may stipulate a minimum rate above the reservation minimum set by the Area Director if justified because of above average value. They may also stipulate a lower rate than the reservation minimum, subject to approval of the Superintendent when the permittee is a member of the landowner's immediate family.

§ 166.14 Duration of grazing permits.

(a) Tribal governing bodies may determine the duration of grazing permits on range units composed entirely of tribal land or in combination with Government land, subject to a maximum period of 5 years except when substantial development or improvement is required, in which case the maximum period shall be 10 years.

(b) Subject to the same duration limits set forth in paragraph (a) of this